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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,700	01/23/2004	Leonard Felix	SLA1478	7663

7590 09/22/2009
Gerald W. Maliszewski
P.O. Box 270829
San Diego, CA 92198-2829

EXAMINER

MCLEAN, NEIL R

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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09/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LEONARD FELIX, ANDREW FERLITSCH and
CARL STAUB

Application No. 10/763,700
Technology Center 2600

Mailed: September 22, 2009

Before TOI JOHNSON *Review Paralegal*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, MISSING SIGNATURES

An appeal conference is mandatory in all cases in which an acceptable appeal brief has been filed and a determination to move forward on appeal has been made. The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal. On the Examiner's Answer mailed July 31, 2009, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name.

Specifically, a review of the file finds that the Examiner's Answer is missing the second typed/ signature name of the appeal conference participant. The second conferee's signature is required to make the record clear the appeal conference was held in accordance with MPEP § 1207.01.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) obtain the necessary conferee signature; and

Application No. 10/763,700

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the
Board of Patent Appeals and Interferences at 571-272-9797.

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